

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, AUGUST 21, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; Joan Ross, Deputy City Clerk.

The Council stood for a moment of silent meditation.

**READING OF THE MINUTES**

JOHNSON Having been appointed to read the minutes of the City Council proceedings of Aug. 14, 2000, reported having done so, found same correct.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Wesely: Thank you Mr. Chairman, members of the City Council. It's my pleasure to present two awards for two different months. The first for June and the second for July of this year. For June we have two winners for the Mayor's Award of Excellence. They are Tom McCain and Jim Landers. Would you mind coming forward? Mr. McCain and Mr. Landers both work for StarTran. Tom is a bus operator and C.J., Jim, is a field supervisor. On February 23rd of this year Tom observed a woman passenger appeared to have fainted or collapsed in the back of his bus. He immediately radioed Jim who then called for medical assistance. It turns out that the young woman in the back of the bus was Heidi Eckert who was suffering from a diabetic insulin reaction. Tom and Jim were nominated by the supervisor and by this young woman, as well. This is, Ms. Eckert's appreciation is evident in her letter of acknowledgment. She writes: I do not remember anything that afternoon, but I know the bus driver took care of me until the ambulance arrived. StarTran told me his supervisor was also involved and I assume he was the one who actually called the ambulance company. I feel that these two should be commended for their caring action as I know they saved my life. One of my worst nightmares came true and thanks to them I survived. Ms. Eckert took the time to find out about the Mayor's Award of Excellence and contacted the department directly to express her appreciation. Today we show our gratitude by presenting the Mayor's Award for Excellence for June of the year 2000. Congratulations Tom and Jim. (applause) Is anyone here to speak on Tom, oh whoa, I'm still going to give you your award, but you actually get one, but, but is there, I was going to see if there's anyone here to speak on Tom and Jim's behalf from the department or if you'd like to say, Allen?

Allen Abbott, Director of Public Works: I'd just like to add my congratulations to that of the Mayor. I think that you proved that it's not just a job here that you do have concern for the people and I just again want to congratulate you and extend my thanks, also. It's all too often we never hear the good things that go on anywhere. While this started out as bad it ended up very good. Again, congratulations.

Mayor Wesely: Larry, did you want to say anything?

Larry Worth, Transit Manager of StarTran: I'll just second what Al said. That's fine, thank you.

Mayor Wesely: Well, let me on the behalf of the City of Lincoln then congratulate you for your outstanding job and we appreciate your excellent work in saving that life and all the things that you do everyday for us. Thank you very much. For July we have a team of winners. I'd like them to come forward. They are the staff of Human Rights Commission. They are Larry Williams, Colleen Floth, Angela Wortman, and Sandy Moody. They were nominated by Donald Arp the chair of the Lincoln Commission of Human Rights. Mr. Arp wrote in his letter to the selection committee: the Staff has planned several community events throughout the summer to provide continued outreach to the community and improve the Commission's visibility in the community. Staff has met with several community leaders to seek input and advice on the Direction Admission and the Commission for the future of our community. They have truly set a standard of excellence and dedication we should all be proud of. In their hands, I know we will one day attain our goal of tolerance and understanding as one community. So, on behalf of the City of Lincoln I'd like to congratulate the Staff of the Human Rights Commission for winning the Mayor's Award of Excellence for the month of July, congratulations. Since Larry's a recipient and also the Director, Larry would you like to come up and say a word?

Larry Williams, Director Human Rights Commission: Thank you. We're very pleased and very proud to receive this award and it wouldn't be possible unless I had a, unless we had a great staff and I would like for all of them to be acknowledged, Coleen Floth, Angela Moody, and Angela Wortman. In addition we have a new member of our staff. You know, she started in May, she wasn't eligible for this award and that is Jennifer Yang who's sitting out in the audience. All of them are valuable, very valuable members of the team. Without them we wouldn't be able to do what we're able to accomplish and to succeed in trying to release to obtain making Lincoln one community. So, we really appreciate this award and this recognition. Thank you very much. (applause)

Mayor Wesely: I want to personally, also, thank the Human Rights Commission because they've done an outstanding job. Larry's come on and I know all the Staff is very hard working and the conference you just put together last month was a great success and all the other efforts you've made I really appreciate it and it's nice to be able to recognize you with this award of excellence and we appreciate the hard work and the good effort and look forward to continuing that in the future. So, again on behalf of the City we thank you very much. I thanked the Human Rights Staff, but I also want to recognize, when I read that letter for the bus driver and supervisor it was from Ms. Heidi Eckert and it happens that she's right here so I thought we ought to say "hi" to her. Heidi would you like to ... , we really appreciate your thoughtfulness in recommending those individuals.

Ms. Eckert: I just (inaudible) don't always know when a person is going thru a reaction. So appreciate the help Always hear about the bad things that happen instead of the good things. Thank you.

This matter was taken under advisement.

#### PUBLIC HEARING

MANAGER APPLICATION OF MELISSA DAVIS FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 942 SOUTH 27TH STREET - Melissa Davis, 4609 Calvert St., Apt. 2, took oath, came forward to answer any questions.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY & AMPCO SYSTEM PARKING FOR PARKING MANAGEMENT SERVICES IN CITY OWNED PARKING FACILITIES FOR A 4-YR. TERM - Linda Hersherberger, City Parking Manager: I would like to introduce the representatives who are here from Ampco Parking, they are John Siebalt and Bob and they are available if you have any questions about the contract.

Jon Camp, Council Member: I'm glad to see the representatives here. Just out of curiosity could you give a couple sentence summary of how you envision your management of the City lots in comparison to what has been done previously, perhaps some ways that you're beefing it up or what have you.

John Siebalt: We hope to focus the parking system a little bit more on delivering up a higher standard of customer service providing the customers of the parking system a more tangible reward for parking downtown and in doing their business downtown than just simply parking their car and leaving. We hope to give them a positive experience and really remember how well they were treated within the parking facility so that the parking system becomes a greater asset to future development than what it already currently is.

Mr. Camp: Could you give me an example or two of those positive experiences you hope to give people?

Mr. Camp: Some of the, some of the services that we introduced to the Advisory Committee were candies to be distributed at the exit booths, providing customer enhancement sensitivity training to all of our personnel providing battery jump and vehicle lock-out services. Providing complimentary window, window washing training all of our attendants to provide information for visitors looking for businesses and directions downtown. A more enhanced and aggressive validations promotion of all the businesses to encourage more business participation in offering free parking to visitors downtown and increasing revenue, ultimately, to the City of Lincoln.

This matter was taken under advisement.

SPECIAL PERMIT 1830 - APP. OF RICHARD SPEIDELL TO DEVELOP MANDARIN COURT COMMUNITY UNIT PLAN CONSISTING OF 3 DWELLING UNITS & WAIVERS OF THE REQUIRED SIDEWALKS, STREET LIGHTS, PAVING, DRAINAGE, STREET ELEVATIONS, & ALLOWING APPROVAL BY THE PLANNING DIRECTOR OF THE ADMINISTRATIVE FINAL

PLAT, ON PROPERTY GENERALLY LOCATED AT 4811 MANDARIN CIR. - Richard Speidell, 3820 J Street: I might ask for clarification of the Chair. Do I have 5 minutes?

Jerry Shoecraft, Chairperson: Uh-huh. 5 minutes and then if there's any public testimony then you have 5 minutes rebuttal then.

Mr. Speidell: I might request a small amount in addition to the 5 minutes. I don't think I'll go much beyond that, but to try and give a thorough history of what we've done with this I might go a little beyond that.

Mr. Shoecraft: Is that approved with the Council? Joan give him 7 minutes.

Mr. Speidell: We started this project with the idea of connecting what was previously a City owned outlot and future right-of-way for Capital Parkway which had been abandoned by the City to the surrounding neighborhood. The piece came into our ownership as part of the Antelope Common project, but we did not sell it with that project when we transferred ownership. So, when this lot came up for sale that was adjacent to this previous outlot and right-of-way future we purchased that lot and started the process to go ahead and do redevelopment of that to include that space into this existing neighborhood. First step in that process was to go ahead and contact the most affected neighbors who were the Schreiner's to the west or north and ask them what their feeling was about our going ahead and doing a subdivision of that property. Roger was interested in, not only seeing what we were going to do with our part of it, but to potentially participate on his own and so we worked with an architect to draw up a rendering of how that subdivision might occur on that lot, and that's what I have here. On the overhead there's the lot that we own here which is 4811 and that outlot space here with the pond on it and then Roger Schreiner's lot which is here which is a large oversize lot because of a sewer future off to the side. What we did was we showed in that original plan not only the original house which is here, but these three new houses to be built. This is Roger's original house and we showed two houses supporting what Roger's were doing. All of the new houses being set back away from the road and being serviced by drives that we're common to the interior of those sites. We took that plan upon showing it to Roger and receiving his interest in what was going on to the City, because we felt that obviously Planning was going to comment on this project and have to go ahead and either support it or act against it as it moved forward. We met with Ray Hill in the fall of '98 and asked him what his opinion was regarding the project and upon reviewing this very document that you see in a larger scale, his comment was that he was really excited to see this type of a project. He said it did a good job of tying in this outlot area to the surrounding neighborhood. It showed a very, what I'm going to call, a positive design, respect for the existing neighborhood and had a lot of positives in terms of what it offered for strengthening the existing structure of the neighborhood by adding new houses. So, with that support from Planning Staff we got really excited about moving the project forward. We went ahead and scheduled a meeting with the neighborhood, put the idea in front of them said this is what's taking place and this is what we're interested in doing. Roger Schreiner in the interim between having us gone to the City and having the meeting with the neighborhood withdrew from his interest in having us present his parcel for subdivision as well. Primarily in the face of the fact that certain neighbors were not very happy about what we were doing, particularly the Schreiners and Daneks. And, Schreiners because this proposed house right here had a backyard immediately against Schreiner's backyard space and several of the neighbors felt very bad about the fact that what we were proposing created a real impact on Roger's private space. And so, the initial public response in terms of the neighborhood was that we were going to really do a negative thing to Roger in terms of what was happening and it wasn't very neighborly of us to go ahead and approach this on that manner. We said, you know, we'll consider alternatives, we'll look at other choices, we'll see what happens, and we attempted to move the project forward with additional landscape screening to try and protect Roger's concerns. But ultimately, in the Planning Commission and going through that process we saw that no one was going to be happy with what we were doing so we changed the plan from one where the house that was against Roger's looked immediately into his backyard. This is Roger's and this is the current proposal to one where the house which is adjacent to him faces more westerly away from his face and reduced the total number of any additional lots to be put onto this two acre parcel to a total of three instead of four. So we gave up 33% of our density that we were asking for in terms of the project. We realigned the way the houses were positioned to go ahead and address what

was happening and we moved parking from what was originally up here towards the street which is here to all back here in this part of the project, again to address this neighborhood aesthetic concern saying that we want to present the minimum, you know, visibility to the neighborhood that we're making changes. We really want, we really want to be positive about this. And, we also did the landscaping that you see on this plan. All of the trees that are shown on this rendering are actually planted. They're not proposed, they're actually in place on site to go ahead and provide some protection. And, with those changes in place and the fact that we did what the neighborhood asked us to do which was to go through a process of permitting without assessments. We told the neighborhood from the very beginning that we would work to make sure there were no additional assessments for the neighborhood and to this day our product is permitted with waivers of all services that would require assessments for the surrounding neighborhood. We've made that a commitment because that's what the neighborhood asked for and we're still on board with that at this point. So, we have a hard time understanding why with the initial staff support, why with the changes we made to address the concerns of the neighborhood, and why with the support of our immediate neighbors on either side that this project wouldn't be able to be voted forward and become an additional tax base for the City and the surrounding area.

Gary Danek, 4800 Mandarin Cr., Lincoln, NE 68516: I'm here today to speak as President of the Pioneer/Mar-Ma-Ra-Lo Heights Homeowners Association in opposition to this permit. Last week I sent a letter, which I would assume you all read so I will just try to paraphrase what I put in that letter. We're opposed to the development because we believe that a cul-de-sac development of three homes just does not fit the character of this neighborhood. We're a 40 year old neighborhood that was originally developed and still is a rural type acreage development. Mr. Speidell's plan to place homes on 7600 square foot, 9700 square feet, and 20,000 square foot lots a total of 37,000 square feet doesn't fit with what our neighborhood is, that is one home on each 1+ acre lot. If you would divide that 2.2 acres into three equal sized lots with one home on each lot that'd be approximately .7 acres per lot and would fit the character of the neighborhood. Our secondary concern, and Mr. Speidell touched on it, is the potential for assessment districts being created because of the development. We understand he's asked for waivers, but we have a real concern given all of the correspondence we've seen from City officials the districts may, in fact, happen in that neighborhood. All it would take is for one of those new neighbors to request a water district and we're locked into a water district. We've been forced to put in sanitary sewer, but the fact that we don't have typical City amenities of paved roads, street lights, curbs, City water, etc. contribute to the character of the neighborhood as that of a rural acreage neighborhood. Mr. Speidell did tell the neighbors in September of '99 that if he is forced to bring water to his property he would foot the bill. Well, we'd like to see in writing that if he's allowed to develop this cul-de-sac type development that he would pay any and all assessments that are forced on the neighborhood either because he requested them or because the City requires them because of this development in the neighborhood. We're still in the process of paying a very large sewer district assessment plus private plumber bills for the sanitary sewer, we don't want and cannot handle any further assessments. Our opposition stems basically from having a totally different view of what our neighborhood should look like between Mr. Speidell and the people who actually live in the neighborhood. He stated that he feels that a neighborhood that doesn't change deteriorates. Well, we resent the implication that we're deteriorating because we want to maintain and not change the character of our neighborhood. We've all spent substantial time and money updating our properties and we'll plan to continue to do so. We don't need to have someone who's never lived in the neighborhood and who has stated that he will move out-of-state when the project is completed protect us. Mr. Speidell is upset with us because we don't share his vision for us. He says he feels sorry for us. What we don't need is sympathy. What we need for him is to leave the character of our development as it is. We all love living on an acreage with little in the way of typical city amenities in a rural type atmosphere. Some of our neighbors raise chickens, goats, & geese. Will they have to stop because new neighbors come in and decide that they don't use that use typical to people who build a home near an airport and then complain because the airport makes noise. We hope not? Three acres on, or three homes on three lots a total 37,000 square feet with 12 foot high lights as required by Public Works does not match a rural acreage atmosphere. Mr. Speidell gets very impatient with us because we don't feel that he will protect our neighborhood and that if

he doesn't do the development will fall apart. I'd like to close with a quote from the Comprehensive Plan Community Vision to a Continuing Commitment to Neighborhoods. "Neighborhoods are one of Lincoln's great strengths and their conservation is fundamental to this plan. The strength of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. In addition the land use plan is the basis for zoning and other land development decisions. It should guide decisions that will maintain the quality and character of the communities established neighborhoods". A Special Permit is not a right. It should meet that above stated criteria. We agree with Planning's feelings that this does not fit and the permit should be denied and we ask you to agree with Planning's position and deny this permit. I should make one other comment, Mr. Speidell said that he has the approval of both neighbors, the Wunderlichs to the east and the Schreiners to the west. The Wunderlichs have submitted many letters as you've read through the packet that was given you. They're in opposition to it. His wife is neutral, he's in opposition. He does like the screening. I will tell you we don't have a problem with what Mr. Speidell potentially could do. If this was any typical City residential neighborhood I'm sure the development would be a marvelous looking development, but we don't believe that three homes on less than one acre lot with another acre or so of open space fits with the character of our neighborhood. Any questions?

Mr. Camp: Mr. Chair I'm wondering if it would be appropriate to have Staff come forward and perhaps answer a few questions for us before Mr. Speidell? Ray, one of the items brought up was that there could be increase assessments districts here or that it was asked for a waiver could you explain that a little bit more of what the implications are for this property versus the adjacent homeowners?

Ray Hill, Planning Dept.: Maybe Roger can help me out a little bit on that, but I think if you notice all the waivers that have been requested that would normally be required of an urban subdivision inside the City limits which this is inside the City limits with the paving of the street, water mains, sidewalks, those street lights, all of those have been waived along the existing public street in order to agree with the character of that neighborhood. The one thing that is still pending and hasn't been resolved is fire protection. There has been a proposal to draw the water out of the two acre lake for fire fighting purposes, however, that design and all the apparatus that is required for that to be adequate hasn't been worked out. One of the agreements is that before any building permit is issued that that has to be resolved. If it cannot be resolved in the manner that they're proposing it might require the water, City water to serve these new lots.

Roger Figard, Public Works & Utilities: What, would you mind repeating ...?

Mr. Camp: There were some comments made, I think Mr. Danek questioned whether there could be potential cost assessed on other homeowners at a later time or what have you and I'm just trying to understand what the picture is here and get the facts.

Mr. Figard: Any assessment district that would be levied would have to come back in front of the Council so ... At a single request of a property owner it wouldn't be cut and dried. You guys would be able to entertain into a discussion of why and the wherefore and make some decisions. However, I'll stick my neck out a little bit and say that I have some of the same reservations and concerns that you've got, basically, a rural area in nature, but you are increasing the density in an area and my concern is that you set a false expectation for new people moving into an area about what kind of city services that they're going to have or not have. And, that means they're not going to have paving, they're not going to have water. I'm not convinced that you can provide reasonable fire protection, certainly not the same kind of fire protection the City can provide out of the City system with the pumping system. My anxiety from a Public Works & Utilities standpoint is those people move in and grow frustrated with gravel, lack of storm sewer, not a regular water supply, they begin to ask you & I why don't I have City services like everyone else you begin to lay pressure back on that larger rural character to begin to further urbanize the area and provide other City services that then does become an encumbrance on those larger lots. So, that's a lot of editorializing. You got no one individual, I believe, can force paving, sewer, water, or sidewalks, but as the area changes and becomes more dense I think the requests, the pressure to do that will grow.

Mr. Camp: Ray, and I'm not sure Roger if you read through the Planning Commission, but I believe that was approval with two dissensions which went against Planning Commission er City Planning Staff was

recommending denial, denial and the Planning Commission by that 5-2 vote or what have you recommended approval. What comments do you have on that where they overrode or went against the Planning Staff's recommendation.

Mr. Hill: I'll give a little more history about that. The original proposal was to add three and through the Planning Commission public hearings that was quite obvious that that was not going to pass and Mr. Speidell then revised his proposal down to two additional and then that did pass. The Staff did write another report with only the two additional and we still are of the opinion that it is not in character with that neighborhood. Also, I believe that if you, it's sort of like the expression if you let one come in how do you stop the next one and before long we have the situation as I think Roger was pointing out that if the next landowner wants to do the same thing we waive the paving, the street lights, the sidewalks, the (inaudible) the water mains then when do you say that the next guy that comes in it's time to bring it all up to urban standards and I believe that you have to take the position that if you allow this to occur you're encouraging it on the rest of them and then when do you actually say it's time to put in the urban services?

Mr. Camp: My comment that I had had contact made indirectly with Patty Newman and she's always been a strong neighborhood supporter and she seemed to feel that compromise met with her satisfaction.

Jeff Fortenberry, Council Member: Ray, it was stated that you were in favor of this initially and then as things proceeded why don't you explain that.

Mr. Hill: I have to apologize. I don't recall ever being quite that positive about the project. I think that, they may have come in and I may have been enthusiastic about it I don't like to be negative about everything that comes in. But, once it was split off the way Richard pointed out I think that had some bearing on the number of people in the neighborhood that were agreeing to change the character of the neighborhood.

Mr. Fortenberry: For this project to fit that character in your view what would it have to look like?

Mr. Hill: Well, I think that if they were just creating one new one then we're talking much closer to the one acre sized lots and not checking out thoroughly, but I think they probably could, by right, come in with a subdivision and just split the two, the present lot into two lots and that might meet all the rules and regulations of standard subdivision, but I haven't checked that out for sure. But again they would have to ask for the waivers of the paving, sidewalks, street lights, sanitary sewer that would be located in the existing public street.

Mr. Speidell: There's been a couple things I'll try to address in this block of time one of which is the character of the neighborhood from an aesthetic standpoint. Our project is on a key or pie shaped lot with a small portion of the lot being on the street 'cause it's on a corner. What we felt was that the aesthetics of the neighborhood which have houses faced at what I'm going to call similar distances along the street was an important thing to protect. That's why this lot presented itself as a logical choice for this type of action, because the new houses that occur on the lot are removed from the street. You don't see these houses as being part of that neighborhood as you drive along. Secondly, the neighborhood itself in the attempt to prevent this in the future attempted to create a neighborhood association and to create a covenant that would protect from future subdivision. They set a standard saying we don't want any lots of less than three quarter of an acre in the neighborhood and tried to get the neighborhood to sign on. From Mr. Danek's statements less than 70% of the neighborhood was willing to sign which indicates that almost a third of the neighborhood is considering redevelopment themselves an addition subdivision of their lots thereby the unwillingness to sell or the consequences if they did sign this document that they wouldn't be able to sell the lot with the option of someone subdividing at a later point. So, we happen to be that, that point on the arrow where that unfortunate first player in the neighborhood is trying to do something. It's eventuality. It's like the water system out there. Because they are annexed into the City Public Works, it's not a question if they'll get City water it's a question of when they'll get City water and I think that's Roger's words verbatim, because if you've been annexed into the City you're going to get City services. It's just a question when. We're not asking for those things, we're not requiring those things, we've avoided those issues, we've feel like we've done an impeccable job of designing a project that fits in the aesthetics of the neighborhood and does positive things to support what's going on. Our density of a total of three lots on a two plus acre site is that three quarter of an acre minimum that the neighborhood was looking for. I mean that's what we

said. They set the standard, we responded saying this is what we are going to do. So, our density is exactly what they tried to set the standard and couldn't get people to sign onto. And, finally I'd offer that it makes even less sense to me that both the Planning Staff and the neighborhood president are supporting a commercial based activity on one of the undeveloped residential lots. There's a proposal that you'll be voting on here soon for a for profit care facility in this same neighborhood that puts a building whose envelope is six times what any of the other houses are in this neighborhood onto a one acre lot. It has a population density of, as I understand it, 12 permanent residents and three full time staff. So they're going to put 15 people into a building that's six time the size of any of the existing houses onto a project right here in this neighborhood and somehow City Staff feels like that is in the character of the neighborhood even though everybody has to drive by it everyday as they come into the neighborhood and our addition of two additional single family houses with the density of three quarter of an acre lot is not acceptable. I mean I took an earlier drawing that I had used at the Planning Commission, the black sheeps on this plan are the existing building masses. In other words those are the existing building environment and this shows our project with what was originally proposed as four total lots, 1, 2, 3, 4. The pink square that you see on there is the rough size of the proposed building which City Staff and the neighborhood are supporting.

Mr. Fortenberry: Why don't you outline your lot lines.

Mr. Speidell: Our lot line has got this ...

Mr. Fortenberry: (inaudible) in the way.

Mr. Speidell: Yeah, there's a black pen line drawn around our lots.

Mr. Shoecraft: Outline it with a pencil or something.

Mr. Speidell: Our lot line starts on the street here progresses southwest, northwest, south, east and then north again. The existing house that we purchased is this structure right here. This was the original proposal that had three additional lots and the current only has two. I'm just using this to show that this is the map of the building which is supported by City Staff Planning and by the neighborhood. It has parking in front of it and everything else and yet our project with two single family houses that are behind screening is not in character. We don't understand, we really don't.

Mr. Fortenberry: Which house is eliminated on the new plan going off this map?

Mr. Camp: Mr. Speidell on your illustration up there you've got the pink block and to the right of it as we're facing the screen you've got a residence, it looks like on a parcel there's another box behind it. Is that another residence or is that a ...?

Mr. Speidell: Those are outbuildings and some of those outbuildings are almost twice the size of their parent structures. The neighborhood has been home to a lot of entrepreneurial spirits who were self-employed and had their business activities operated out of these facilities. Currently it's being used the same way.

Mr. Camp: If you move farther to the right, let's see the first one you've got it looks like a home that comes in off of Mandarin Circle and then that outbuilding and then you go to the right there's a residence, it looks like a garage attached, it comes in off and then behind it is that one of yours is that ...?

Mr. Speidell: That's correct. These three, this one, this one, and this one are what we're asking for in terms of (inaudible).

Mr. Camp: I was behind that one that's on the circle just before yours.

Mr. Speidell: You're looking at this one?

Mr. Camp: Well, is that an outbuilding?

Mr. Speidell: Yes that's an outbuilding of our neighbor's lot.

Mr. Camp: Well it looks like there's a house on Mandarin Circle and one up behind it. Is that correct? Are there two houses there?

Mr. Speidell: No, that again is an outbuilding.

Mr. Camp: Both those?

Mr. Speidell: Yeah. The houses all touch each one of the houses on the street. This is a parent house, this is parent house, this is a parent house, and this is a parent house. These three are the same. All the other structures that you see shown here in black are existing outbuildings and other structures which create a much denser urban feeling than is implied by this one structure on one acre lot.

Mr. Camp: So that one adjacent to you going toward the pink has two outbuildings and one resident.

Mr. Speidell: Well, it actually has three detached buildings that has the long narrow one on the right hand side towards the back, the

larger rectangular one behind the house and a detached garage that sits towards 84th Street adjacent to the house.

Coleen Seng, Council Member: I want to know do you have the where with all to finish this project?

Mr. Speidell: That's a very appropriate question seeing as how we weren't able to carry off the Antelope Commons project. The difference was the Antelope Commons project required the sale of lots to fund the improvements. We have over \$200,000 in a cash account which is set up to pay for the improvements for this project. We have no problems. We've already started remodeling on the parent which was by far the least attractive and least desirable house in the entire neighborhood. So, our commitment is current. We've done extensive landscaping, we're doing extensive remodeling to the home to make it a really nice structure and we're excited to be able to move forward with the rest of the project.

Ms. Seng: And, Mr. Danek made reference to the fact that you're going to be moving is that correct? Are you going to live in another state?

Mr. Speidell: We don't know where we're going to go yet. We have a lot of interest in being in a different kind of climate. I have terrible allergies which create misery for me outside and if you think of my history as a nurseryman and say why would you expect somebody to do that, but that was the family. And so, seeing that I suffer the way I do I'm looking more to southwestern type environment. Escape some of the issues I have with that where I can be outside with my wife and children and enjoy, you know, the time that I have as a result of having worked the way I did. We've treated this project like we would live here. We've done a very exciting thing with the parent house in terms of remodel and we're not holding back on what we're spending because to me this is still a space that is very important to me. I've spent, and I told Mr. Danek in our meeting a week ago that I've probably spent more time in his neighborhood as a non-resident in the last 20 years than he has and he didn't even question that. Because I have played out here, I have worked out here, I have spent so much time and energy both on the Antelope Commons project and as the owner of Nebraska Nursery it's not even funny. This is a space that I have a lot of excitement about and should be indicated in the fact that when we did the, the Antelope Commons project that we dedicated the entire south boundary to that as a permanent easement to the City. I mean, we, this is a legacy that we leave behind as part of our stewardship of the land.

Mr. Fortenberry: Mr. Danek can I ask you a question? I was reading the comments of Mr. Hunter regarding acreage developments now with certain restricted covenants that it was suggested that you had tried, prudently, to get your neighborhood to enter into this.

Mr. Danek: We did. We asked, initially, we asked if people would agree to covenants limiting development to one acre lots and there was one neighbor who requested it to be a three-quarters of an acre lot because they have an acre and half and they felt they may need to subdivide to pay for the sewer district and needed to be three-quarters of an acre for them to subdivide. Mr. Speidell was correct in that 70% of the people wanted to have covenants, but we felt that wasn't a high enough percentage talking to our attorney. We also have, of the other 30%, 20% who wanted the covenants but were afraid to do it because if their neighbor didn't sign then they can't do development, but their neighbor could potentially do the development. So, we tried to get three-quarter of an acre with one home on each three-quarter acre lot.

Mr. Fortenberry: Given that does it, if then this development could occur into the future at less than three-quarters of an acre where do you feel in that regard, I mean could you find this particular development more acceptable in light of the type of covenant that you actually had tried to do?

Mr. Danek: Well, we would if the full buildable lot for each of the three homes was three-quarters of an acre. With a 7600 square foot and a 9700 square foot and a 20,000 square foot lot those are typical, two of the three anyway, are typical 60 foot city residential lots. They're not acreage type lots. If you would divide the 2.2 acres by 3 lots so that they're each about .7 acres buildable lot each with one home on it that would meet the character of the neighborhood and what we tried to establish as a covenant.

Mr. Fortenberry: Mr. Speidell, in light of that consideration why did you arrange the lot ...

Mr. Speidell: I appreciate the opportunity to respond to that. Like with the Antelope Commons project what we're trying to show is that the City can expand in a very proactive and positive way without increasing the cost of City services. Historically, the City set up a



very (inaudible) grid of neighborhood parks block by block almost throughout older neighborhoods to provide places for kids to play. What happens is that in current development you get everything from maximum land use which means small lot, not like, hate to make a negative statement, but a Hartland Home type development with more affordable housing on small lot using up the entire space. Or, you get projects like the ridge which are bigger lots meant to support really big houses and are very expensive, but you don't get a range of what I'm going to call expense in terms of small medium and larger lots that support a mix of housing, small, medium, and larger housing, connected to a association owned common phase. We did this just like we had proposed the Antelope Commons project as a demonstration to say that you can have a neighborhood owned common space that provides recreation for everybody. So, regardless if you have the small house or the big house your kids play together, they get to relate to each other regardless of the disparity of income and go ahead and form bonds that breakdown prejudice that typically takes place between people from different neighborhoods. I mean yes we're idealists in trying to do that, but, you know, here we are we're creating a park for these residents that the neighborhood does not have to maintain and these people who live here maintain it and have this great resource and don't put additional pressure on the City to do additional park space. So, we feel like this is a real positive way and certainly what the Comprehensive Plan identifies as the intent behind the C.U.P. I mean it says right on there look for innovative uses of land that protect and strengthen existing neighborhoods and that's what we're trying to do, taking that lost space that was owned by the City and incorporating it into a addition to a neighborhood that will act as a buffer against what happens to the land to the south because this isn't a land (inaudible) piece that is not going to have other development forces. The 40 acre parcel to the south which is owned by Hampton is certainly going to be developed and what I heard early on from him was apartments. So, in a way we act as a buffer against that future development of that piece for the existing neighborhood in a positive manner. But, those were some of the ideas and some of the goals were part of what we were doing relative to this land use ideal than a standard, just put them into similar size boxes and say here's what you've got.

Mr. Fortenberry: Why don't you feel that that concept has been more readily accepted by the neighborhood? The City Council does not like to end up in this position.

Mr. Speidell: I'm very sympathetic, and I, you know, I feel bad because every project I've ever tried to do in this City has ended up in this kind of position. People are very uncomfortable with change. It's just difficult for people to see themselves, you know, in something other than what they're comfortable with. The neighborhood was, was actively pulled specific to our project with the threat hanging over it of assessment districts. Everybody that was talked to was told you're going to have these assessment districts as part of this development, so we need to band together to protect ourselves from these assessments. That simply was not true, but that's what was told to people and a fear was created. And, when we have fear inside of us we tend to act very aggressively to protect our interest. I couldn't go around and provide a thorough education for everybody in the neighborhood regarding what we are doing, but we've, we've tried really hard to work with, you know, a wide range of people with a lot of expertise in this area to do this project. Cecil Steward's specific comment was, "if projects like this can't move forward in the City then we're wasting our time". That's what he said about this project and he teaches Urban Planning. And, this is, this is what he's spent his life studying in terms of how communities are shaped and what they're part of.

This matter was taken under advisement.

ADOPTING THE 2000/2001 MAYOR'S RECOMMENDED ANNUAL OPERATING BUDGET & CAPITAL IMPROVEMENT PROGRAM FY 2000/2006 - Steve Hubka, City Budget Officer:

We passed out a substitute resolution this morning, or this afternoon. Right before noon we got our final property evaluations which, of course, are a very important piece of our budget picture and we got real good news with those. Where as with the Mayor's budget we put out a figure of 4.6% for estimated growth and tax base, it came in at 5.25% and of that 5.25%, 4.85% of that was real growth, new improvement, annexations, additions and so on of real properties, so that was certainly a piece of good news for us. That allows us to generate a little bit more property tax revenue with the same tax rate and the Resolution I passed out is with the same tax rate as last year. That provides us benefit in going forward in the future with a higher based property tax revenue. And also, this morning

we got our sales tax figures for August which are the last month, of course, that we receive this fiscal year and that is about, ended up about a million, 1.5 million over projections what we had budgeted for the current year and to meet our projections for next year in the budget would only take a 5.1% increase in sales tax and that's something that we've achieved and then some for quite a few years in the past. So, I'm increasingly comfortable with our sales tax projections for the next fiscal year. So, those are couple of the pieces of information we had this morning. We've got schedules ready to go with the changes that you worked on all summer long and if you have any other questions on the budget I'd sure be ready to answer them.

Mr. Fortenberry: Steve, if the revenue from increased valuation of real growth comes in as projected then the tax rate that's set in October would potentially decrease?

Mr. Hubka: No, it would still be the same. We'd still set it as you voted on it, you know, I guess it was last week to leave it the same as last year then we just reduce balances accordingly. The appropriation of balances would be less and the appropriation of property tax revenue would be greater by that amount.

Mr. Shoecraft: Out local economy is doing well.

Mr. Hubka: Yes, and we're, I think, becoming increasingly dependent on it doing well. We, in order to keep these property tax rates where we have over the last few years we're dependent on real good growth in the property tax base as well as good growth in sales tax revenue.

Mr. Shoecraft: Those things are happening.

Mr. Camp: Steve, I have a couple of questions. On this you show for this 2000-2001 5.4 million being taken out of appropriated balances, how much of that is out of our reserve?

Mr. Hubka: Well, the general fund portion of that, actually, I'm not sure what you're looking at Jon. 5.4 ...

Mr. Camp: Oh, I guess I'm looking at the five year projections you had handed out to us at the recent meeting. I think on the 14th of August we got that which I assume relates to what you have, but maybe that's been revised. It was showing out of a 103,000,000, 103.8 million dollar budget about revenue would support 98.4 of that leaving 5.4 million that would have to come out of appropriated balances and I guess I'm trying to identify how much that is decreasing the City's reserves.

Mr. Hubka: Actually with the final numbers now with the new property tax value, or property valuations our appropriated balances are about 5.3 million and of that, well, let me do a quick, it's probably going to be a little less than 3 million dollars and that's among all the tax funds not just general fund. We also, as I mentioned before, we generate balances every year because we only appropriate 90% of the property tax levy.

Mr. Camp: You mentioned and I may just not have picked it up correctly, but you were talking about a 5.1% increase, did you say that's your projection on the sales tax or ...?

Mr. Hubka: What we need to do next year, to meet next years projections is collect 5.1% more than we collected this year which I feel is a fairly conservative number. Could be able to achieve that without much difficulty at all.

Mr. Camp: And, that, that's in the 2000-2001 even though you projected 9.1 you're saying it would only have to be 5.1?

Mr. Hubka: Because collections for this year we're in right now are 1.5 million greater than what we projected.

Mr. Camp: So that would carry over in the accounts?

Mr. Hubka: It will be a larger base for next year.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Mike Merwick, Director of Building and Safety: He responded to pictures presented at previous meeting concerning cluttered property under the bridges some of which belongs to the City by stating what has been done to clean them up. Much of it is being used by businesses in those areas.

Roger Figard, Public Works & Utilities: He explained that the property being used by these businesses is being maintained by keeping the weeds down, planting grass, paving for parking lot. If these businesses are asked to remove what they are storing on these properties then the City would need to start maintaining them. He said he would rather have the businesses and the neighborhoods work together and come up with some way of using the area and maintaining it that they can both live with.

Mr. Camp: He requested that Staff come up with some suggestions and recommendations on how these public right-of-ways and easements could be handled.

Mr. Fortenberry: Stated that maybe minimal amount of rent could be charged for the use of this property.

Mr. Figard: He stated that Wynn Hjermstad of Urban Development has worked long and hard for a long time on this problem.

Mr. Merwick: This property goes from 1st Street to 8th Street.

Ms. Seng: Stated she wishes that the neighborhood could meet with the businesses along there to work out some agreements including the City. She asked if Wynn Hjermstad could continue to follow up on this.

Mr. Camp: Asked for ways that under other overpasses as well could be tackled be considered.

This matter was taken under advisement.

### ORDINANCES - 3RD READING

AUTHORIZING THE TRANSFER OF UNSPENT & UNENCUMBERED APPROPRIATIONS & CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN SEVERAL FUNDS WITHIN PUBLIC WORKS & UTILITIES & THE PARKS & RECREATION DEPARTMENTS - Clerk read an ordinance, introduced by Jeff Fortenberry, authorizing the transfer of unspent & unencumbered appropriations & cash (if any) between certain capital improvement projects within several funds within Public Works & Utilities & the Parks & Recreation Depts., the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17715, is recorded in Ordinance Book 24, Page

ADOPTING A REVISED VERSION OF THE RETIREMENT PLAN FOR UNCLASSIFIED DEPARTMENT HEADS TO ELIMINATE OUTDATED & OBSOLETE LANGUAGE CONTAINED IN SAID PLAN - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, adopting a revised version of the Retirement Plan for Unclassified Department Heads to eliminate outdated & obsolete language contained in said Plan, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17716, is recorded in Ordinance Book 24, Page

AMENDING CHAPTER 5.04 OF THE LMC BY ADDING A NEW SEC. 5.04.165 TO ADD AN OFFENSE FOR OPEN ALCOHOLIC BEVERAGE CONTAINERS IN A MOTOR VEHICLE - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending Chapter 5.04 of the LMC by adding a new Sec. 5.04.165 to add an offense for open alcoholic beverage containers in a motor vehicle, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17717, is recorded in Ordinance Book 24, Page

AMENDING CHAPTER 10.48 OF THE LMC RELATING TO BICYCLES BY REPEALING SECS. 10.48.100 & 10.48.120 & AMENDING SECS. 10.48.250 & 10.48.280 TO REMOVE OUTDATED CODE PROVISIONS PERTAINING TO BICYCLE REGISTRATION - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending Chapter 10.48 of the LMC relating to Bicycles by repealing Secs. 10.48.100 & 10.48.120 & amending Secs. 10.48.250 & 10.48.280 to remove outdated code provisions pertaining to bicycle registration, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17718, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3256 - AMENDING CHAPTER 27.58 OF THE LMC RELATING TO THE AIRPORT ENVIRONS NOISE DIST. TO CLARIFY THE USES PERMITTED IN AIRPORT ENVIRONS NOISE DISTRICTS 1 & 2 & USES PERMITTED ON PREMISES LOCATED IN BOTH DISTRICTS - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending Chapter 27.58 of the LMC by repealing Sec. 27.58.040 & by amending Secs. 27.58.050, 27.58.060, & 27.58.070 regarding uses in the Airport Environs Noise Dist.; & repealing Secs. 27.58.050, 27.58.060, & 27.58.070 of the LMC as hitherto existing, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp,

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Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered **#17719**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3267 - APP. OF GARDENS COMPLEX, L.L.C. FOR A CHANGE FROM H-2 HIGHWAY BUSINESS DIST. & R-4 RESIDENTIAL DIST. TO O-2 SUBURBAN OFFICE DIST. ON PROPERTY GENERALLY LOCATED SOUTH OF "O" ST. BETWEEN 44TH & 45TH STS. - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.  
FORTENBERRY Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered **#17720**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3270 - APP. OF THE PLANNING DIRECTOR FOR A CHANGE FROM "P" PUBLIC USE TO "I" INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT S. 6TH & "G" STS. - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.  
FORTENBERRY Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered **#17721**, is recorded in Ordinance Book 24, Page

**SPECIAL PERMITS & USE PERMITS**

SPECIAL PERMIT 1830 - APP. OF RICHARD SPEIDELL TO DEVELOP MANDARIN COURT COMMUNITY UNIT PLAN CONSISTING OF 3 DWELLING UNITS & WAIVERS OF THE REQUIRED SIDEWALKS, STREET LIGHTS, PAVING, DRAINAGE, STREET ELEVATIONS, & ALLOWING APPROVAL BY THE PLANNING DIRECTOR OF THE ADMINISTRATIVE FINAL PLAT, ON PROPERTY GENERALLY LOCATED AT 4811 MANDARIN CIR. - PRIOR to reading:

FORTENBERRY Moved to delay action on Bill No 00R-223 for one week to 8/28/00.

Seconded by Seng & carried by the following vote: AYES: Fortenberry, McRoy, Seng; NAYS: Camp, Cook, Johnson, Shoecraft.

SENG Moved to approve Bill No. 00R-223 as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Johnson; NAYS: Fortenberry, McRoy, Seng, Shoecraft.

SENG Moved to reconsider Bill No. 00R-223.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

FORTENBERRY Moved to delay action on Bill No. 00R-223 for one week to 8/28/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

**PETITIONS & COMMUNICATIONS**

APP. OF ST. JOSEPH'S CHURCH/SCHOOL OF LINCOLN TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN - CLERK requested hearing date be set for 8/28/00.

JOHNSON So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**REPORTS TO CITY OFFICERS**

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON AUG. 7, 2000 - DEPUTY DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80365 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 08/11/00)

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **July, 2000:** Operator Comm.; **Aug., 2000:** Topp, Atlas, LCI Int'l., Cincinnati Bell, Primus, Tans Nat'l, Qwest, Viatel, Phoenix Network - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF FRANCHISE TAX OF UTILICORP UNITED FOR THE MONTH OF JULY, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JULY 31, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JULY 16 THROUGH JULY 31, 2000 - PRIOR to reading:

CAMP Moved to delay action on Bill 00R-217 indefinitely until a settlement is reached.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDERING ALLEY READING DIST. 47 CONSTRUCTED IN THE EAST-WEST ALLEY FROM 14TH ST. TO CENTENNIAL MALL & FROM "P" TO "Q" STS. - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80359 WHEREAS a majority petition has been submitted by the owners of record title, representing a majority of the front footage of the property directly abutting upon the alley in Alley READING District No. 47, being East/West Alley, 14<sup>th</sup> to Centennial Mall, "P" to "Q" Streets, and have been filed with the City Clerk, petitioning for the construction of said alley paving.

THEREFORE BE IT RESOLVED that the Department of Public Works is hereby authorized and directed to proceed with the preparation of detailed plans and specifications and to obtain bids for the said alley paving work in accordance with this resolution.

BE IT STILL FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### OTHER RESOLUTIONS

MANAGER APPLICATION OF MELISSA DAVIS FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 942 SOUTH 27TH STREET - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80356 WHEREAS, Whitehead Oil Company dba "U-Stop Convenience Shop" located at 942 South 27th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Melissa Davis be named manager;

WHEREAS, Melissa Davis appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Melissa Davis be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF WINE MERCHANTS, INC. FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA

MEASURING 120' X 80' AT THE WICK ALUMI CENTER AT 1520 "R" ST. ON SEPT. 2, 2000 FROM 9 A.M. TO 3 P.M. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80357 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Wine Merchants Inc. for a Special Designated License to cover an outside area measuring 80 feet by 120 feet at Wick Alumni Center, 1520 R Street, Lincoln, Nebraska, on September 2, 2000, between the hours of 9:00 a.m. and 3:00 p.m., be approved with the condition that the applicant and premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification shall be checked on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY & AMPCO SYSTEM PARKING FOR PARKING MANAGEMENT SERVICES IN CITY OWNED PARKING FACILITIES FOR A 4-YR. TERM - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80358 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the "Management Agreement For City of Lincoln Parking Facilities" a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, under which Ampco System Parking will manage the parking facilities of the City of Lincoln for a four-year term upon the terms and conditions as set forth in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one copy of the executed original Agreement to Ampco System Parking, 1459 Hamilton Avenue, Cleveland, Ohio 44114 and a copy of the Agreement to the Director of Public Works and Utilities.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REAPPOINTING CHRISTI CHAVEZ & GLORY MAKIN TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR 3-YR. TERMS EXPIRING SEPT. 1, 2003 - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80360 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Christi CHAVEZ and Glory MAKIN to the Community Health Endowment Board of Trustees for three-year terms expiring September 1, 2003 is hereby approved.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING JANET COLEMAN & MARTIN RAMIREZ TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR 3-YR. TERMS EXPIRING SEPT. 1, 2003 - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80361 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Janet Coleman and Martin Ramirez to the Community Health Endowment Board of Trustees for three-year terms expiring September 1, 2003 is hereby approved.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADOPTING THE 2000/2001 MAYOR'S RECOMMENDED ANNUAL OPERATING BUDGET & CAPITAL IMPROVEMENT PROGRAM FY 2000/2006 - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80362 WHEREAS, under the provisions of Section 25 and 25a of Article IX of

the Charter of the City of Lincoln, the proposed annual budget for the City of Lincoln was submitted on July 3, 2000; and

WHEREAS, under the provisions of Section 26 of Article IX of the City Charter, a public hearing on the proposed budget was held on August 7, 2000 notice thereof having been published in one issue of the Lincoln Journal and Star, a newspaper of general circulation in the City, more than five days before such hearing; and

WHEREAS, all necessary changes have been made as to revenue estimates and appropriation items.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska;

1. That pursuant to the provisions of Article IX of the Charter of the City of Lincoln, the budget for the fiscal year beginning September 1, 2000, a copy of which is hereto attached and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and the several sums therein set forth to be raised by the levy of a tax upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, the estimated balances on hand, the miscellaneous receipts and all other funds and receipts are hereby appropriated for the several purposes therein stated. That all money received in any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

2. The City Council, by adoption of the Capital Improvement Program on Schedule 5 of this resolution, hereby authorizes the acquisition of all necessary right-of-way, easements, or other interest in land, by purchase if possible, by condemnation if necessary, for those projects included within the first year of said Capital Improvement Program.

3. Pursuant to Section 2 of L.B. 989 passed by the Second Session of the Ninety-Fifth Legislature, the City is authorized to increase budgeted restricted funds by the basic allowable growth percentage of the base (2.5%) and allowable growth due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year above 2.5% expressed in dollars and to utilize other lid exemptions authorized in L.B. 989. Such increase is hereby authorized to the extent necessary to generate the revenues to fund the budget, and any unused restricted funds authority is hereby authorized to be carried forward to future budget years.

4. Pursuant to the agreement for the provision of services related to the emergency medical care system in Lincoln, Nebraska, the annual budget for Emergency Medical Services, Inc. a copy of which is attached hereto, labeled Schedule 6, is hereby approved.

5. There is hereby appropriated all money now credited or which will be credited to any Internal Service Fund, Trust Fund, Agency Fund, and Enterprise Fund, now or heretofore created, notwithstanding any sum limitations set forth in the budget attached hereto.

6. There is hereby appropriated all money now credited or which will be credited to the Building and Safety Fund notwithstanding any sum limitation set forth in the budget attached hereto.

7. There is hereby appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest earned thereon, notwithstanding any sum limitations set forth in the budget attached hereto.

8. There is hereby appropriated all money received from the interest income on the investments of all authorized bond issue proceeds including bond anticipation notes for the purposes for which said bonds and notes have been authorized to be issued, notwithstanding any sum limitations set forth in the budget attached hereto.

9. There is hereby appropriated in the Worker's Compensation Loss Revolving Fund all amounts included in the budget for Worker's Compensation benefits, together with any recoveries on account of subrogation interests, from which fund all losses and costs incidental to the administration of such losses shall be paid, notwithstanding any sum limitations set forth in the budget attached hereto.

10. There is hereby appropriated to the credit of the Social Security Fund and Payroll Liability Account, in addition to the tax levied therefor, any money deducted from employees' salaries and wages together with any departmental contributions in non-tax supported funds, notwithstanding any sum limitations set forth in the budget attached

hereto.

11. There is hereby appropriated all money now credited or which will be credited to the Self-Insured Health Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

12. There is hereby appropriated cash balances credited to the Health Care Fund, notwithstanding any sum limitation set forth in the budget attached hereto, for payment as needed to provide health care benefits to City employees.

13. There is hereby appropriated all money now credited or which will be credited to the Snow Removal Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

14. There is hereby appropriated all money now credited or which will be credited to the Vehicle Tax Construction Fund created by Section 3.20.220 of the L.M.C. (Vehicle Tax for street improvements) notwithstanding any sum limitation set forth in the budget attached hereto.

15. There is hereby appropriated all money now credited or which will be credited to the Unemployment Insurance Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

16. All receipts for on street parking meter collections are pledged toward the payment of bonds assigned for payment from the Parking Revenue Fund. Parking meter receipts in excess of those required to meet provisions of the bond covenants shall be credited to the General Fund up to the amounts budgeted.

17. There is hereby appropriated all money now credited or which will be credited to the Parking Lot revolving Fund to be used for designing, acquiring, constructing, maintaining, repairing, regulating, supervising, and policing of City owned parking lots and facilities in accordance with L.M.C. Chapter 10.34 and Chapter 10.36, notwithstanding any sum limitations set forth in the budget attached hereto.

18. There is hereby appropriated to the Street Construction Fund all monies received as the City's share of the highway Allocation Fund and the Grade Crossing Protection Fund, together with any other Federal, State, and County funds, received for street construction purposes, any reimbursements and matching funds, including Federal Road Funds, all of which monies are hereby appropriated and reappropriated for all purposes as authorized by State laws pertaining to such funds, notwithstanding any sum limitations set forth in the budget attached hereto.

19. There is hereby appropriated in the Special Assessment Revolving Fund all monies in said fund for expenditures as authorized by Article VIII of the City Charter, Section 10a and all money received to the credit of the Special Assessment Revolving Fund including bond proceeds, grants, donations, special assessment collections, and City participation deemed necessary by the City Council, notwithstanding any sum limitations set forth in the budget attached hereto.

20. There is hereby appropriated all money now credited or which will be credited in the Advance Acquisition Fund as provided in Article IX B, Section 12 of the City Charter, notwithstanding any sum limitation set forth in the budget attached hereto.

21. There is hereby appropriated all money now credited or which will be credited to the 911 Communication Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

22. There is hereby appropriated all money now credited or which will be credited to the Auditorium Promotion Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

23. There is hereby appropriated all money now credited or which will be credited to the Arbitrage Rebate Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

24. There is hereby appropriated all money now credited or which will be credited to the Tax Sale Revolving Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

25. There is hereby appropriated all money now credited or to be credited in the City Aviation Promotion Fund as provided in Neb. Rev. Stat. Section 3-504.02(1991), notwithstanding any sum limitation set forth in the budget attached hereto.

26. There is hereby appropriated KENO proceeds for mandated payments, and 1% for administrative fees.

27. There is hereby appropriated all money in the Cable Access Television Fund, notwithstanding any sum limitations set forth in the budget attached hereto.

28. There is hereby appropriated all monies now credited or which will be credited to the Community Improvement Financing Fund and all Tax Allocation Bond Debt Service funds, notwithstanding any sum limitations set forth in the budget attached hereto.



29. There is hereby appropriated all money now credited or which will be credited to the Disaster Recovery Fund, notwithstanding any sum limitation set forth in the budget attached hereto, for paying disaster related expenditures for which reimbursement from outside sources has been received or as otherwise appropriated.

30. There is hereby appropriated all money now credited or which will be credited to the Property Tax Refund Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

31. There is hereby appropriated all money now credited or which will be credited to the Title V Clean Air fund notwithstanding any sum limitation set forth in the budget attached hereto.

32. There is hereby created the Workforce Investment Act Fund. In addition, three business units are added to existing divisions of the urban development Department as set forth in the budget attached hereto.

33. There is hereby created the EMS Enterprise Fund. There is hereby appropriated all money which will be credited to the fund.

34. There is hereby levied upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, upon each one hundred dollars of approximate market value thereof, taxes in an amount sufficient to generate funds for the purposes and in the amounts hereinafter named, to-wit:

|                       | <u>Appropriated<br/>Amount-90%</u> | <u>Total Tax As<br/>Levied-100%</u> | <u>Per \$100<br/>Market Value</u> |
|-----------------------|------------------------------------|-------------------------------------|-----------------------------------|
| General               | 16,185,128                         | 17,983,475                          | 0.18692                           |
| Library               | 4,046,282                          | 4,495,868                           | 0.04673                           |
| Bond and Interest     |                                    |                                     |                                   |
| Redemption            | 5,503,567                          | 6,115,074                           | 0.06356                           |
| Social Security       | 1,364,635                          | 1,516,261                           | 0.01576                           |
| Police & Fire Pension | 943,814                            | 1,048,682                           | 0.01090                           |

35. There is hereby authorized the transfer to the appropriate reserve accounts of all encumbrances, including accrued payroll, for the fiscal year ending August 31, 2000, together with any monies previously so reserved.

36. Any unexpended balance remaining in the Police and Fire Pension Fund is reappropriated pursuant to Lincoln Municipal Code, Chapters 2.62.265 and 2.66, notwithstanding any sum limitation set forth in the budget attached hereto.

37. All previous capital appropriations are hereby continued and reappropriated pursuant to Section 27 of Article IX of the Charter of the City of Lincoln, except the unexpended balance remaining in any fully completed project shall be credited to the unappropriated surplus in the fund from which such project was funded.

38. Street Construction fund balances of \$50,000 are hereby appropriated for the relocation of engineering building project (701090 - Relocate 1001 N. 6th).

39. That the appropriations for the following items be transferred effective August 31, 2000:

| ACCOUNT NUMBER   | DESCRIPTION                                | AMOUNT   |
|------------------|--|----------|
| From: 18002.5655 | General Expense/Work Study                 | \$31,122 |
| To: 11004.5021   | Planning/Salaries                          | \$10,000 |
| 02015.5021       | Human Rights Commission/Salaries           | \$4,340  |
| 02007.5021       | Lincoln/Lancaster Senior Centers/Salaries  | \$5,417  |
| 10001.5021       | Personnel/Salaries                         | \$4,960  |
| 06007.5021       | Finance/Purchasing/Salaries                | \$6,405  |
| From: 18002.5081 | General Exp./Health Ins.                   | \$999    |
| To: 11004.5021   | Planning/Info. & Planning/Salaries         | \$999    |
| From: 18002.5081 | General Exp./Health Ins.                   | \$758    |
| To: 11001.6015   | Planning/Reimb. for Serv./Wireless Reviews | \$758    |

40. That cash and appropriations for the following items be transferred effective August 31, 2000 and reappropriated:

|                  |  |           |
|------------------|--|-----------|
| From: 18002.5081 | General Exp./Health Ins.                   | \$56,000  |
| To:              | Tow Lot Project                            | \$56,000  |
| From: 18002.5081 | General Exp./Health Ins.                   | \$100,000 |
| To: 701074       | 901/1001 Storm Sewer Relocation            | \$100,000 |
| From: 09001.5631 | Parks/Admin./DP Service                    | \$10,000  |
| 09002.5924       | Parks/parks/Admin./Rent of Mach.           | \$10,000  |
| 90926.5324       | Parks/Rec./Aq./Star City Shores/Cust. Sup. | \$10,000  |
| 90929.5724       | Parks/Rec./Ctrs/Admin./Mileage             | \$10,000  |
| To: 409321.6138  | Playground Safety Program/Park Imp         | \$40,000  |

41. That the following unexpended appropriations are reappropriated effective August 31, 2000 up to the following amounts.

|            |  |         |
|------------|--|---------|
| 18002.6069 | General Expense/Data Processing Equip. | \$4,651 |
|------------|--|---------|

|             |   |           |
|-------------|---|-----------|
| 18002.5962  | General Expense/Election Expense                            | \$25,000  |
| 18002.5872  | General Expense/Sidewalk Repairs and Maintenance            | \$121,430 |
| 18002.5659  | General Expense/Financial System Dev.                       | \$68,146  |
| 06014.5633  | Flood Warning System  | \$25,000  |
| 18002.5637  | Gen. Exp./Eng. Serv./Flood warning system/<br>Flood studies | \$60,000  |
| 06014.5633  | Medical Priority Reporting software                         | \$5,375   |
| 06014.5961  | Training  | \$8,643   |
| 06015.6093  | Radio Shop Replacement Equipment                            | \$6,575   |
| 08001.6069  | Bldg. & Safety/Admin./Data Processing Equip.                | \$144,066 |
| 08002.55633 | Building & Safety/Bus. Off./Software                        | \$15,000  |
| 08002.6069  | Building & Safety/Bus. Off./Data Processing<br>Equipment    | \$5,000   |
| 02007.6072  | Handicapped equipped passenger van                          | \$15,200  |
| 09250.9246  | Parks/Unprogrammed KENO Appropriations                      | \$562,950 |
| 18002.5628  | Gen. Exp./Consultant Serv./Pershing Mktg. Study             | \$50,000  |
| 18002.5865  | Gen. Exp./Minor Bldg. & Grounds Imp/BMX Track               | \$8,000   |
| 19001.6002  | Interfund Transfers/Stormwater Discharge Program            | \$66,638  |
| 18002.5628  | Gen. Exp./Consultant Serv./Cable Consultant                 | \$37,186  |
| 79160.5865  | Pub. Wks./Util./Fleet Serv./Minor Bldg. Improve.            | \$12,000  |
| 79160.5991  | Pub.Wks./Util./Fleet serv./Fuel Tank Testing                | \$12,966  |
| 79160.6076  | Pub. Wks./Util./Fleet Serv./Misc. Equipment                 | \$3,600   |

42. That unencumbered appropriations from the budget for the fiscal year beginning September 1, 1999 be transferred and reappropriated as follows effective August 31, 2000:

| ACCOUNT NUMBER   | DESCRIPTION   | AMOUNT   |
|------------------|---|----------|
| From: 06001.6001 | Finance Dept. year end balance                                | \$10,000 |
| To: 06006.5653   | City Clerk/Temporary Help                                     | \$10,000 |
| From: 18002.5085 | General Expense/Pension                                       | \$10,000 |
| To:              | Low Income Elders Farmer's Mkt. Coupon<br>Program grant match | \$10,000 |
| From: 13001.6001 | Workforce Inv. Act operating exp.(One-Stop Ctr)               | \$13,509 |
| To: 13011.6011   | Urb. Dev./One Stop Operator                                   | \$13,509 |
| From: 13001.6011 | Workforce Investment Act grant match                          | \$41,747 |
| To: 13014.6011   | Urb. Dev./Admin./Grant Match                                  | \$41,747 |

43. There is hereby appropriated to each departmental operating budget the full amount of unencumbered operating appropriations as shown in the final Appropriation Status Report as of August 31, 2000 up to the amount shown below:

| FUND                 | AMOUNT      |
|----------------------|-------------|
| General              | \$2,210,000 |
| Health               | \$255,000   |
| Animal Control       | \$35,000    |
| StarTran             | \$300,000   |
| Aging                | \$130,000   |
| 9-1-1 Communications | \$175,000   |

44. There is hereby attached and made a part hereof a listing of all funds of the City of Lincoln which are hereby confirmed and approved.

45. There is hereby attached Schedule 7 identifying transfers from General Fund business units to General Expense as of August 31, 2000 for 1999-00 Post Employment Health Plan budgets which authorizes such transfers and is made a part of this resolution as fully as if set forth verbatim herein.

46. That all unexpended appropriations in General Expense Division, City Unassigned Department, General Fund not specified in preceding paragraphs are hereby transferred to Miscellaneous Other Services & Charges, General Expense Division, City Unassigned Department, General Fund (18002.5989) and reappropriated effective August 31, 2000.

47. That all unexpended appropriations in Contingency Division, City Unassigned Department, General Fund (18001.5989) be reappropriated effective August 31, 2000.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., SEPT. 11, 2000 AT 1:30 P.M. ON THE APP. OF TEPANTLA, INC. DBA "MAZATLAN MEXICAN RESTAURANT" FOR A RETAIL CLASS I LIQUOR LICENSE AT 211 N. 70<sup>TH</sup> STREET - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80363 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Sept. 11, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the

following App. of Tepantla, Inc. dba "Mazatlan Mexican Restaurant" for a Retail Class I Liquor License at 211 N. 70th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., SEPT. 11, 2000 AT 1:30 P.M. ON THE APP. OF TAMY INC. DBA "TAM O'SHANTER" FOR AN ADDITION TO PREMISE AT 105 S. 25<sup>TH</sup> STREET - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80364 BE IT RESOLVED by the City Council, of the city of Lincoln, that a hearing date is hereby fixed for Mon., Sept. 11, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Tamy Inc. dba "Tam O'Shanter" for an addition to premise at 105 S. 25th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### ORDINANCES - 1ST & 2ND READING

CHANGE OF ZONE 3273 - APPLICATION OF SOUTH RIDGE VILLAGE L.L.C. AND KRUEGER DEVELOPMENT INC. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK TO R-3 RESIDENTIAL AND FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED BETWEEN SOUTH 28TH STREET AND SOUTH 29TH STREET ALONG PORTER RIDGE ROAD - CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

VACATING THE NORTH-SOUTH ALLEY NORTH OF "N" STREET BETWEEN 13TH AND 14TH STREETS - CLERK read an ordinance, introduced by Annette McRoy, vacating north-south alley north of "N" Street between 13th & 14th Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING SECTION 2.62.200 OF THE LINCOLN MUNICIPAL CODE RELATING TO POLICE AND FIRE PENSION PLAN "A" TO PROVIDE MEMBERS OF POLICE AND FIRE PENSION PLANS "B" AND "C" THE OPPORTUNITY TO PARTICIPATE IN POLICE AND FIRE PENSION PLAN "A" - CLERK read an ordinance, introduced by Coleen Seng, amending Chapter 2.62 of the Lincoln Municipal Code relating to the Police & Fire Pension Plan - Plan "A" by amending Section 2.62.200 to provide members of Police & Fire Pension plans "B" & "C" the opportunity to elect to participate in Police & Fire Pension Plan A subsequent to the implementation of the deferred retirement option plan; and repealing Section 2.62.200 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY & AT&T TO LOCATE TELECOMMUNICATIONS FACILITIES ON PROPERTY AT FIRESTATION NO. 5, 3640 TOUZALIN - CLERK read an ordinance, introduced by Coleen Seng, whereas The City of Lincoln desires to lease space of approximately 550 square feet adjacent to Firestation No. 5 located at 3640 Touzalin Avenue, Lincoln, Nebraska to AT&T Wireless PCS (hereinafter "AT&T") for use as a telecommunication tower & ground space, the first time.

REPEALING ORD. 17122 FOR READING DIST. 149 IN 68TH ST. FROM FREMONT ST. TO BENTON ST. - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, repealing Ord. 17122 which created Repaving Dist. 149, which repaving district included all that portion of Lots 5 through 8, Block 7 & Lots 1, 2, 12 & the east 32' of Lot 11, Block 8, Woods Brothers 2nd Add. to Havelock describing the benefitted property & providing for the payment of the cost thereof, the second time.

#### MISCELLANEOUS BUSINESS

**REGULAR MEETING  
AUGUST 21, 2000  
PAGE 336**

AMENDING CHAPTER 5.38 OF THE LMC TO INCLUDE CONDOMINIUMS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THE MINIMUM HOUSING STANDARDS - DEPUTY CLERK requested to Withdraw from Pending Bill No. 00-31.

CAMP           So moved.

                  Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**PENDING LIST -**

CAMP           Moved to extend the Pending List for 1 week.

                  Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**UPCOMING RESOLUTIONS**

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND AT&T TO LOCATE TELECOMMUNICATIONS FACILITIES ON PROPERTY AT FIRESTATION NO. 5, 3640 TOUZALIN - DEPUTY CLERK requested that Bill No. 00R-235 be changed to an Ordinance Bill No. 00-161 for 1st Reading.

CAMP           So moved.

                  Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CAMP           Moved to approve the resolutions to have Public Hearing on Aug. 28, 2000.

                  Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**ADJOURNMENT**

**3:34 P.M.**

CAMP           Moved to adjourn the City Council Meeting of Aug. 21, 2000.

                  Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

                  So ordered.

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Joan E. Ross, Deputy City Clerk

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Judy Roscoe, Office Assistant III